The Role of Welfare

in an Egalitarian Metric

by

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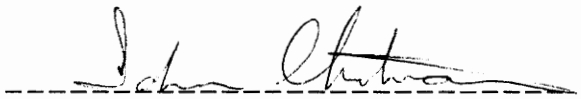

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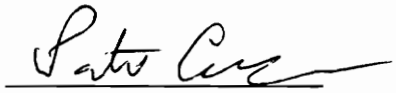

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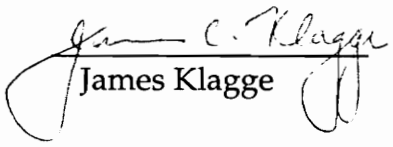

James Klagge

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THE ROLE OF WELFARE IN AN EGALITARIAN METRIC

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Philosophy

(ABSTRACT)

I argue that welfare considerations should play an important role in egalitarian thought. Ronald Dworkin, in contrast, has argued that welfare should play no role in a principle of equality of distribution. I explore his discussion of this issue, finding that many of his arguments presuppose the truth of his alternative account, which focuses on resources rather than welfare. His remaining arguments rely on the counter-intuitive nature of compensating for expensive tastes. I argue that if we examine this case more carefully, it is not as counter-intuitive as it first appears.

Having replied to his objections to the welfare account, I turn to his positive argument for the principle of equality of resources, namely, that it is the only principle which respects the equal worth of persons. I explore several examples to demonstrate that pure welfare deficiencies merit compensation. These examples suggest, I argue, that respecting the equal worth of persons requires us to consider welfare in a principle of equality of distribution. Finally, I argue that if we should compensate for welfare deficiencies, we should also compensate for expensive tastes; indeed, considerations of equal worth require this compensation.

Contents

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Since I am a member of the first class of graduate students in philosophy at Virginia Tech, I would like to thank the Philosophy Department for giving a chance to people like me who needed further study in philosophy before pursuing a doctorate. I can say without question that I have benefited from participating in the department, and have enjoyed numerous discussions with nearly every member of the department at one time or another concerning philosophy.

I also want to thank my wife, Janet, who took more than her fair share, either under welfare or resources, of time with the children while I sat entranced by the computer screen.

Finally, without God, not only would this project not exist, but neither I to write it nor others to read it. I can only hope that my meager effort here will add to the greater glory of God.

Dedicated to:
Father Ralph C. Hartman,
who served as my pastor for many years,
and continues to be friend to me and mine.
Perhaps someday we'll have time to
sit down for that chat.

CHAPTER 1: INTRODUCTION

Perhaps when you were growing up, you heard the following words in response to some complaint of unfairness: "Well, life isn't fair." And this is surely true; some people are born in poorer situations than others, some are born with innumerable talents, and some are born average in every way.

While we all agree that our situations in life are unfair, we also agree that we want our social institutions to be fair and to treat people fairly. Those of a non-white race make claims on the government to act against the unfairness in hiring. Some women complain that it is unfair if they must take time off to bear children, and so lose their status in their occupation to men who never face these difficulties.

These questions of fairness are really questions of equality. When one says some situation is unfair, what that person means is that s/he has been treated unequally. The complaint of the women above is that when they do not have the same opportunities as men in the work place, they are treated unequally. Whether we agree with this complaint or not, the crucial point is that the question is one of equality.

Given the importance of equality, then those in charge of our social institutions must ask "equality of what?" The "equality of what?" question plays an even more central role for egalitarians. Egalitarians insist that the principle of equality is one of the most fundamental principles in moral and political philosophy. Egalitarians must do two things to uphold that claim: first, they must demonstrate that the principle of equality is indeed of fundamental importance; second, they must supply the "what" of the "equality of what?" question.

Two major proposals have been put forward in answer to the question of equality of what: resources and welfare. The principles of equality of resources and equality of welfare do not exhaust the available options; they do, however, take center stage in most discussions of "equality of what?" The principle of equality of resources is a recommendation that people are equal according to how equal the resources they hold are. The principle of equality of welfare is a recommendation that people are treated as equals when they have equal welfare.

Ronald Dworkin has written a two-part essay entitled "What is Equality? Part 1: Equality of Welfare," and "What is Equality? Part 2: Equality of Resources." In the first essay, Dworkin examines various understandings and forms of equality of welfare and

rejects them all. In the second essay, Dworkin defends his own theory of equality, attempting to resolve the traditional opposition between equality and liberty.

In brief, Dworkin denies welfare any role to play in a principle of equality. I want to examine that denial. More specifically, I argue that welfare should play some role in an egalitarian metric and that Dworkin's denial of this invalidates his theory. To show this will require several steps.

First, I show that equality of resources lies behind Dworkin's rejection of equality of welfare. This is most obvious in his discussion of relative success and overall success. The principle of equality of relative success proposes that people are equal when they have achieved equal success relative to the goals they have set themselves. The principle of equality of overall success proposes that people are equal when they each lead a life equally as valuable as judged in reference to some ideal life. In discussing these two principles, Dworkin sometimes reduces overall success to relative success. This confuses the reader, and this confusion between the two theories remains somewhat in this discussion because it is difficult to escape.

In order to defeat equality of welfare based on a comparison of people's wealth, one must have previously argued that such inequalities in wealth are unjust. Dworkin has given us no such argument at this stage in his argument. In a discussion of welfare, however, people will have varying degrees of wealth because various people can enjoy an equal level of welfare from quite different amounts of resources. Though I agree that relative success is not a correct understanding of welfare, Dworkin begins a habit here which will haunt him throughout our discussion.

Second, we notice that Dworkin's refusal to compensate for expensive tastes drives part of his argument against equality of welfare. In the third chapter, then, we examine this argument. Our task is to show that once again, Dworkin has used equality of resources to illicitly defeat the claim that we should compensate for expensive tastes. Expensive tastes are only a concern as expensive if we are concerned with resources. But a distribution based on welfare has no concern for resources. By showing in the first two substantive chapters that Dworkin rejects equality of welfare and refuses to compensate for expensive tastes because of equality of resources, we pave the way for undermining his rejection. For Dworkin's rejections to work, he must first show that equality of resources is important, and second show that welfare is not important.

Chapter four, then, discusses Dworkin's reasoning behind equality of resources. I describe the main features of his theory so that the reader has a sense of the reasonableness of his claim.

Having provided this view of Dworkin's theory, I take up the more substantial question of whether welfare should play any role in an egalitarian metric. Chapter five looks at another egalitarian, G. A. Cohen, to find intuitions which conflict with Dworkin's. Dworkin proposes that compensation is owed only if something interferes with one's life plans. Cohen, on the other hand, holds that welfare deficiencies deserve compensation above that for which interference with life plans calls. I look at pregnant women to provide an example to make Cohen's point. By making Cohen's point, I reject Dworkin's denial that welfare has a role in an egalitarian metric. In order to defend his rejection of welfare, then, Dworkin must rely on his defense and explanation of his preferred theory, which he calls "equality of resources."

In chapter six, then, I take up the final nail in the proverbial coffin for Dworkin. If I can show that compensating for expensive tastes is just, I have shown that Dworkin's arguments against welfare are defeated for the most part. In summary, I look at some of the apparati which Dworkin uses to argue for equality of resources to show that they justify compensating for expensive tastes. This argument is made in light of a final example.

My main conclusions are the following, then:

1. Dworkin's denial that measures of welfare should play some role in equality is hasty and relies on questionable intuitions.

2. Dworkin's rejection of the claim that expensive tastes deserve compensation also relies on questionable intuitions, ones which presuppose equality of resources.

3. Cohen's critique of Dworkin shows that Dworkin and he have conflicting intuitions about whether welfare should play a role in an egalitarian metric, and Dworkin's are questionable.

4. Since we would want to compensate for welfare deficiencies, welfare has some role to play in an egalitarian distribution.

5. Finally, accepting welfare as valuable does not violate the equal worth of persons but honors that equal worth.

All of these points go into showing that Dworkin's denial of a role for welfare in egalitarian principles of distribution and the refusal to justify compensation for expensive tastes on which that denial relies is problematic. His claim that welfare should not play a role in an egalitarian principle of distribution is inadequately defended. To this argument I will turn shortly.

But first, I want to point out a troubling term which Dworkin uses: redistribution. Dworkin speaks of redistribution and transferring resources from one individual to another.

This manner of speaking only applies to the first generation which lives under a theory of egalitarianism, and then, only if resources are already distributed. For example, the present society has distributed resources according to some metric other than egalitarianism - advanced market capitalism. If we were to impose a new distribution according to an egalitarian metric, we would presumably redistribute resources in some manner different from the distribution already instantiated. Having established that new distribution, though, we would not need to redistribute resources for that generation, unless we had made a mistake in the original transfer. Equality would have been achieved, and we could develop a system which would not allow any substantial changes in the distribution of resources. Later generations would not be concerned about transferring resources from one to another, for people would start out with the requisite amount of resources necessary to achieve X level of welfare in their lives.

The heart of Dworkin's complaint is that, on any account of welfare, someone receives more resources than another person. Yet, in discussing equality of welfare, how many resources one has is not a real concern. People will have varying amounts of resources in order to achieve the same level of welfare. In order for the amount of resources to figure into our calculations of equality, someone must make an argument that resources are what is important in life. Dworkin has not given us this argument yet; for him to write as if he had is unfair because it confuses the intuitions of the reader. Asking what would justify taking resources from one and giving them to another presumes that we should have equality of resources. Phrasing the question that way already assumes that a fair distribution has been reached. Any violation of that distribution is then unfair. The real question is whether society can ever justly distribute resources where some have more than others.

CHAPTER 2: DWORKIN ON WELFARE

In this chapter, I show that Dworkin's arguments against the principle of equality of welfare are faulty. First, some of his arguments originate from the viewpoint that the principle of equality of resources has been accepted by the reader. Yet, at the point when he is discussing the principle of equality of welfare, Dworkin has given us no reason for accepting the principle of equality of resources. Second, his arguments against the principle of equality of welfare seem to be motivated by a refusal to compensate for expensive tastes. That is, Dworkin already holds that compensating for expensive tastes is wrong, and this conclusion shapes his arguments to rule out expensive tastes before they can get off the ground.

1. Relative Success

Relative success is a measure of how much success people have achieved relative to the goals they have. Equality of welfare understood as equality of relative success requires that "distribution be arranged so that people are as nearly equal as distribution can make them in the degree to which each person's preferences about his own life and circumstances are fulfilled."[1] Resources are distributed so that people can fulfill their preferences about their lives and circumstances to an equal degree.

The concept "welfare" is supposed to capture what is most fundamental in life. Understood in this way, equality of welfare has a great appeal; when used, that metric should make people equal in what they all value fundamentally. When welfare is understood as relative success - achievement in the goals one has set for oneself - it loses that appeal. Not everyone chooses a life in which s/he would be most successful. As Dworkin notes, a person trying to decide whether to be a lawyer or doctor can decide from two vantage points: from one of asking at which pursuit I would be most successful or asking which pursuit is more worthwhile. Considering the value of a life or occupation, however, captures considerations of success. If I choose to be a lawyer because I would be most successful at that pursuit, I have already put value on that kind of life - the one in which I pursue success. Success in meeting goals does not capture what is important for everyone, however.

Dworkin finds the principle of equality of relative success objectionable because

[1] Dworkin 1, p. 204.

people differ in how much they value success.[2] Harry is relatively talented while Luke is not. Poor Luke has a talent for bagging groceries - enough to get a job, but not enough to earn a promotion or a high salary. When Harry considers what to do with his life, he chooses to be an astrophysicist; being an astrophysicist requires a lot of talent, perhaps more than Harry has, and he faces a chance of failure. Luke, of course, chooses to be a grocery bagger. But Luke puts little value on whether he is very successful at this or not; he is content to lead a moderate life where he makes the most of his God-given talent. Society, then, gives to Harry enough resources to pursue his career of astrophysics and Luke enough to be a grocery bagger.

Dworkin claims such a distribution is unfair. More money is given to Harry than Luke just because Harry values success and Luke does not. Equality is gained in relative success which they value differently by making them unequal in some other way.

> On this conception [of equality of relative success], money is given to one rather than another, or taken from one rather than another, in order to achieve equality in a respect some value more than others and some value very little indeed, at the cost of inequality in what some value more.[3]

Now in making this argument, which works well, Dworkin slips in a comparison of resources which should play no role in his rejection of the principle of equality of relative success. Dworkin referred to resources being taken from Luke and given to Harry. Of course, no money is taken from Luke; Harry just receives more resources than Luke for the pursuit of his goals. To say money is taken from Luke confuses the issue. Indeed, slipping in a comparison of people's resources confuses the reader (or at least this reader). Dworkin writes that

> Equality of relative success proposes to distribute resources - presumably much fewer to the first of these two and much more to the second - so that each has an equal chance of success in meeting these very different kinds of goals.[4]

Equality of relative success does distribute resources unequally. Dworkin implies with this comment that the distribution is therefore unfair. One might argue with an example that if the distribution of resources is disturbed, then a problem arises. To make this argument, though, one of two things is necessary. Either one must have already

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2 Dworkin 1, p. 206.

3 Dworkin 1, p. 208.

4 Dworkin 1, p. 208.

argued that resources are what are most valuable in a distribution, or one must be relying on an intuitive consensus that people are appalled by the inequality of resources. Dworkin has not yet given us an argument that resources are what matter. He must be relying on intuitions then.

The egalitarian's intuition is to object when some have much more than others especially at the expense of those others. Dworkin makes this clear when he writes that liberalism based on equality "insists on an economic system in which no citizen has less than an equal share of the community's resources just in order that others may have more of what he lacks."[5] If Harry needs more resources to achieve his goals than does Luke to achieve his goals, Luke seems to have less so that Harry has more. Now this is a plausible reading of the situation between Harry and Luke, for Harry has what Luke lacks - resources.

Yet, Dworkin has moved our focus from welfare to resources. Under equality of welfare, some have more resources than others. Likewise, under equality of resources some have more welfare than others. Neither of these observations defeats the two principles of equality until one has argued that welfare or resources are what is important. At this point in his argument, neither metric has been defended or defeated as fundamentally important.

Further, our intuitions concerning the inequality of resources which results in a distribution based on relative success are defective. We have seen already that equality of relative success does not pick out what is fundamentally valuable to people. Our intuitions are already turned against the principle of equality of relative success, then. The judgments against the inequality of resources which results cannot be legitimately made because that judgment is tainted by the rejection of the principle of equality of relative success. Since we are relying on intuitions here, we must not allow our intuitions to be confused by one concept, inequality of resources, by our opinion concerning another concept, relative success. Because we object to equality of relative success, we will automatically object to the inequality of resources; but to say this objection rests on the inequality alone would be hasty and perhaps wrong.

2. Overall Success

We reject equality of relative success because that principle does not pick out what is fundamentally valuable in life. The notion of overall success might capture what is fundamental in life. Overall success refers to one's own evaluation of the inherent value of

5 Dworkin, Ronald. "Why Liberals Should Care about Equality," in A Matter of Principle, p. 206.

one's life.[6] One judges the life one is leading according to some ideal life one could lead. Equality of welfare understood as overall success would distribute resources until each person's life held the same inherent value, as measured by the individual persons. As we will see, though, Dworkin's main argument against the principle of equality of overall success relies on resources as a baseline for rejection. Again, it is not legitimate to use equality of resources as a baseline until he has argued for it.

According to Dworkin, comparing people's judgments of their overall success seems "a peculiar goal indeed."[7] Take two individuals, Jack and Jill, who are roughly similar except in certain beliefs.

> They are both healthy, neither handicapped, both reasonably successful in their chosen occupations, neither outstandingly accomplished or creative. They take roughly the same enjoyment from their day-to-day life. But Jack (who has been much influenced by genre painting) thinks that any ordinary life fully engaged in projects is a life of value, while Jill (perhaps because she has taken Nietzsche to heart) is much more demanding.... If each is asked to rate the overall value of his or her own life, Jack would rate his high and Jill hers low. But there is simply no reason in that fact for transferring resources from Jack to Jill provided only that Jill would then rate her life, while still of little overall success, a bit higher.[8]

Notice that Dworkin has focused the reader's attention on things other than the principle of equality of overall success. In the first two sentences, Dworkin has us think about health, handicaps, relative success, and enjoyment. An interesting way to notice the confusion which arises from this misplacement of focus occurs when we look at the relationship between enjoyment and the value which Jack and Jill find in their lives. Jack and Jill are claimed to be equal in enjoyment. Yet, Jack values his life more than Jill. Surely we must say that a person's view of his/her life affects the enjoyment s/he receives from that life. Other factors enter in as well. But by claiming that Jack and Jill have equal enjoyment, Dworkin is confusing the reader's intuitions. Presumably, if Jack values his life more than Jill, they will have different enjoyment levels. This makes the example confused, at least in this reader's mind. The reader's focus is now on the equality received in one area, enjoyment, which Dworkin uses to defeat the claim that we should have equality in the other area, overall success. What is even more peculiar is that Dworkin has already made successful arguments against equality of relative success and will make one

6 Dworkin 1, p. 213.

7 Dworkin 1, p. 213.

8 Dworkin 1, p. 213.

against equality of enjoyment. These factors, then, should play no role in defeating the principle of equality of overall success. The concepts of enjoyment and relative success do not pick out what is fundamental in life. Whether people are equal in those areas does not factor into judging whether people should be equal in other areas.

Further, in the last sentence of the quotation, Dworkin takes the reader's attention away from overall success and focuses it on resources. Only two sentences in this quotation in which Dworkin supposedly defeats the principle of equality of overall success deal with that principle. Neither sentence offers reasons for rejecting the principle of equality of overall success. The final sentence which does reject the principle of equality of overall success does so because of resources. I want to draw out the significance of the role of resources in rejecting the principle of equality of overall success.

The important question in this example is does Jill believe herself to have the same overall success as Jack? Dworkin describes Jack and Jill as having the same objective welfare; in any comparison we could make from our vantage point, they rate the same. But Jill rates her life to have small value and Jack thinks that his life has lots of value. This difference in judgment results from the differing background philosophies. Using a metric of overall success for distribution, an egalitarian would recommend transferring resources to Jill because she views her life as less valuable than Jack does his, though they are living the same sorts of lives. The fundamental philosophies of individuals form the baseline of the distribution. Should these philosophies play a role in an egalitarian distribution? Dworkin argues that they should not. But what reasons has Dworkin given us for rejecting their background philosophies as relevant?

I cannot see where he really answers this question, for what Dworkin writes is "[b]ut there is surely no reason in that fact for transferring resources from Jack to Jill..." I see no reason in that example not to give Jill more resources if we take as our standard welfare, understood as overall success. Further, I see nothing in the example which says we should not distribute according to this metric.

3. Reasonable Regret

Dworkin admits that the comparison between Jack and Jill is like comparing apples and oranges; they base their evaluations on different philosophies.[9] Perhaps there is some intermediate "translation" device by which Jack and Jill can rate their individual lives; society, then, can compare the evaluations according to this device. But, according to Dworkin, any questions we ask in our comparative-evaluation process are the wrong ones.

For example, what if Jack and Jill radically disagree about how valuable their lives

9 Dworkin 1, p. 213-4.

would be if "they had everything they could have?"[10] Jack thinks he could solve the riddle of the universe, but Jill has no comparable dream. Jack, then, believes that his life is only a fraction as good as it could be while Jill thinks her life could not be much more valuable. This difference means that society should transfer resources to Jack from Jill. Dworkin disagrees with this conclusion. "Surely we have no reason of equality here for transferring resources from Jill to Jack..."[11] Or suppose, as before, that Jack thinks his life much more valuable than the worst life he could live while Jill thinks her life only slightly better, because Jill is "very demanding in her idea of what life could be deemed a really successful life."[12] This example, according to Dworkin, provides no reason for transferring resources from Jack to Jill.

> Differences in people's judgments about how well their lives are going overall are differences in their lives, rather than differences in their beliefs, only when they are differences, not in fantasy or conviction, but in fulfillment, which is, I take it, a matter of measuring personal success or failure against some standard of what *should* have been, not merely of what conceivably *might* have been.... People have lives of less overall success if they have more reasonably to regret that they do not have or have not done.[13]

Dworkin thinks that comparisons based on what could have been given any imaginable circumstance are not the right comparisons. Comparisons in the values of people's lives must take some reasonable standard from which to judge their personal success or failure. No one can regret from a reasonable standpoint that s/he is not superman or has the wealth of Ross Perot. "But people can reasonably regret not having whatever share of material resources they are entitled to have."[14]

Now this last citation points to what drives Dworkin's rejection of equality of overall success. Dworkin says that shares of material resources to which people are entitled determines whether they have reason for regret or not. He is right that reasonable regret requires some metric or notion of shares. But bringing in the concept of reasonable regret already relies on some notion of fair shares. The only reason to introduce reasonable regret is if one thinks that Jack or Jill is asking for more than his or her fair share. But this rejection presumes that people should have fair shares of material resources. Material

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10 Dworkin 1, p. 215.

11 Dworkin 1, p. 215.

12 Dworkin 1, p. 215.

13 Dworkin 1, p. 216, all marks of emphasis are those of the original writer unless otherwise noted.

14 Dworkin 1, p. 217.

resources are not what is under consideration here, though, but welfare.

Let's say that we have made reasonable regret part of our theory of distribution. Dworkin writes that "we must ask Jack how far the life he can now lead falls short of the life he would lead if he had (among other things) the amount of resources such that if he had those resources he would have the same amount reasonably to regret as others would have."[15] Now, a problem occurs in this citation. Before addressing that problem, though, I want to draw out what Dworkin thinks this question accomplishes. We are asking Jack to think about a certain amount of resources which, if he had them, he would regret as much as everyone else, from a reasonable standpoint. In order to decide this, Jack must compare his life to some ideal. On what does he base this ideal? It must be a reasonable basis. Yet, if Jack already knows what is a reasonable distribution, then that should be the distribution.

Equality of overall success, then, must presume some fair distribution in order to be a workable theory of distribution. But equality of overall success is an attempt to reach a fair distribution. Using the principle of equality of overall success, someone makes assumptions "about the distribution to which people are *entitled*."[16] Then, on the basis of this assumption of fair distribution, this person recommends a different distribution. This second distribution must be deemed unfair according to the previous assumption.[17] So, in the end, equality of overall success recommends an unfair distribution - that is, a distribution which is unequal.

If Dworkin's argument works, then equality of overall success recommends an unfair distribution. But as I pointed out earlier, reasonable regret forces us to think in terms of material resources. Dworkin is again taking our focus from the real question we should be investigating, equality of welfare, to equality of resources. By focusing our attention on the inequality which results in resources he guarantees that we will reject the principle of equality of overall success.

Look at the citation I noted above as problematic. "[W]e must ask Jack how far the life he can now lead falls short of the life he would lead if he had (among other things) the amount of resources such that if he had those resources he would have the same amount reasonably to regret as others would have." Why should we ask Jack to think in terms of resources? If we force Jack to think in terms of resources, the only way he can judge if a certain amount is fair or not is by comparing his share to those of others. With his mind already focused on resources without regard to the welfare people receive from those

15 Dworkin 1, p. 218.

16 Dworkin 1, p. 220.

17 Dworkin 1, p. 219.

resources, Jack must determine that inequality in resources is unfair. How could he have any reason for regret if he has the same amount of resources as others if all he looks at is the amount of resources people have?

The problem is that neither Jack nor the reader should be concerned about resources. We are looking at the principle of equality of overall success. What does it recommend? We already know that it will recommend inequality in resources. As I have stressed before, equality of welfare means inequality in resources. People gain equal levels of welfare from differing amounts of resources. But we have been given no reason to be concerned with equality of resources. That argument has not occurred yet in Dworkin's discussion. But Dworkin continually uses equality in resources as a metric to judge equality in welfare. Certainly we realize that Dworkin is concerned with resources, but is he giving a fair hearing to the principle of equality of welfare, or is his bias toward resources blinding him to seeing the value of some distribution based on a principle of equality of welfare?

4. Reasonable Regret and Expensive Tastes

Before I attempt to answer the last question, which must wait for a few chapters, I want to examine the role of reasonable regret at this place in the argument. This examination will reveal that Dworkin introduces reasonable regret in order to inhibit compensating for expensive tastes. I will point this out because it will show that Dworkin's real problem with equality of welfare is that that principle recommends compensating for expensive tastes. Once I show this we will be prepared to discuss the so called problem of expensive tastes in the next chapter.

That a theory about the unfairness of expensive tastes drives Dworkin's argument becomes apparent when taking a second look at the two main examples he uses. In the first case, Jill is very demanding in what makes a life valuable, where Jack is happy with day to day activities. Jack is happy with non-expensive types of activities. But Jill requires more than what would make a peasant happy. Jill just has an expensive taste for a meaningful life. In this example, the question was whether we should redistribute resources from Jack to Jill; Dworkin said no. What drove him to say no, though, was that Jill is more demanding; that is, Jill has expensive tastes.

In the next example, Jack believes that with "all these resources" he could solve the riddle of the universe. Jill, on the other hand, "believes that riddle unsolvable and has no *comparable* dream."[18] Should we, in this case, transfer resources from Jill to Jack because Jack believes his life could be much more valuable? To make it much more

18 Dworkin 1, p. 215, my emphasis.

valuable, he needs many more resources; Jack, in this case, has an expensive taste for what makes a life meaningful. This example still gives us no reason, according to Dworkin, to transfer resources from Jill to Jack.

Dworkin wrote that an egalitarian distribution makes sure that no one has less just so others have more. But less and more of what? A person with expensive tastes has more resources, but, presumably, not more welfare. Dworkin is concerned with resources though; this is what drives his comments. He thinks that it is wrong for a person to have less resources so others can have more to pursue their preferences. His concern with resources appears illicitly in the discussion concerning relative success. Dworkin was concerned there that the person with high hopes (who is just like Jack in our later example) not have more than another who has less "grand" hopes. Further, he held that in judging overall success, we judge the preferences we have. But by what metric do we judge these preferences? The only metric Dworkin has offered so far is whether the preferences violate fair shares of material resources. That is, are the preference expensive or not?

Given that Dworkin is driven in his comments and arguments against equality of welfare because of his beliefs about expensive tastes, we must ask what is wrong with compensating people for them. What about expensive tastes makes compensating for them wrong from an egalitarian viewpoint? I pursue this question in the next section. Everything Dworkin argued in this section, then, relies on the next section. His comments against welfare are always on the level of intuition, intuitions which he has given us no reason to accept. It is our job now to see if his condemnation of compensation for expensive tastes stands.[19]

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19 I should, perhaps, provide some idea of what conception of equality of welfare I find defensible. I cannot say that Dworkin has not adequately defeated the principle of equality of welfare without proposing some view of that principle which does not suffer from his arguments. I find the conception of overall success most attractive. However, the practical problem of finding some translation device between people's background philosophies, which plays such a central role in this principle, seems insurmountable. What I find appealing about the principle of overall success is its focus on individual fulfillment. People should be given the resources to pursue their ideal lives. Perhaps this would be better conceived as well-being, or something other than welfare. One notable move in this direction is Bruce Landesman's "Egalitarianism."

CHAPTER 3: DWORKIN ON EXPENSIVE TASTES

In chapter two, we saw two things. First, Dworkin's arguments against the principle of equality of overall success presumed the principle of equality of resources as a standard. Second, those arguments also depended on rejecting the claim that we should compensate people for expensive tastes.

Our project now is to see if his arguments against compensating for expensive tastes stand. If they do not stand, then the principle of equality of welfare is not defeated by Dworkin's earlier arguments. What we will find, however, is that Dworkin's arguments against compensating for expensive tastes fall to criticisms made in the last chapter.

Specifically, I intend to show in this chapter that Dworkin's arguments against the claim that we should compensate for expensive tastes rests on a prior endorsement of the principle of equality of resources. As before, though, we have not been given the arguments for this endorsement. Dworkin continues to make the reader focus on the resources people have rather than asking whether people have more welfare or not. The only way and the only reason for an egalitarian who accepts the principle of equality of welfare to refuse compensating for expensive tastes is if compensation gives someone more welfare than others. The welfare egalitarian is not concerned about resources. Questions of *expensive* tastes make us focus on resources, however. The adjective "expensive" only refers to the amount of resources needed to fulfill that taste. But the amount of resources is no concern to the welfare egalitarian.

1. Setting the Problem

Take an egalitarian distribution based on any conception of welfare. Someone living under that distribution decides to develop a taste for some expensive commodity, say champagne, and succeeds. A distribution based on welfare would recommend that this person receive more resources to pay for his/her expensive taste. Dworkin argues that we should not so compensate that person. More forcefully, people who have expensive tastes do not deserve more resources.

The claim is that we would not and do not want to distribute resources to compensate for expensive tastes. But how can we justify refusing such a distribution? Compensating for expensive tastes seems similar to compensating for handicaps: both kinds of people require more resources to achieve the same level of welfare as those

without either handicaps or expensive tastes. Certainly egalitarians want to provide more resources to those with handicaps. Under equality of welfare, these extra resources are justified because those with handicaps, in general, have less welfare than those without handicaps. The distribution attempts to compensate for this welfare deficiency. So, the reasoning behind compensating for handicaps justifies compensating those who have expensive tastes. Those with expensive tastes have less welfare. According to Dworkin, compensating for expensive tastes seems repulsive; an egalitarianism based on welfare must avoid this consequence to remain a viable theory. "Expensive tastes are embarrassing for the theory that equality means equality of welfare precisely because we believe that equality .... condemns rather than recommends compensating for deliberately cultivated expensive tastes."[1]

2. Louis' Motivations

Dworkin asks us to imagine a society which has achieved equality of welfare in some conception: enjoyment, relative success, or overall success. Louis sets out to develop an expensive taste such that his welfare will not be the same once he develops this new taste. Louis' resulting lower welfare requires a redistribution in society providing him with more wealth.

For Dworkin, equality of welfare happens to coincide with an equal distribution of wealth. I see no reason to add this point, but presumably Dworkin thinks it important. Someone initially in favor of equality of resources will oppose such a redistribution; the society has reached both equality of welfare and equality of resources. A redistribution will destroy that person's preferred conception of equality. That a redistribution disturbs equality of resources makes someone initially in favor of that equality reject the redistribution. Again Dworkin has redirected our focus from welfare and placed it on resources. It seems likely that no distribution based on equality of welfare will coincide with equality of resources in the real world where people receive different welfare from the same amount of resources. Someone who enjoys fishing will have more welfare than someone who enjoys skiing on the same amount of wealth; skiing is more expensive than fishing (at least for those of us who just need a pole and string).

In any case, the question is whether a welfare egalitarian, initially opposed to compensating for expensive tastes, can refuse such compensation without contradicting his original principle of equality of welfare. The answer to this question depends in part on what specific principle of equality of welfare one accepts: relative success or enjoyment or overall success.

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1 Dworkin 1, p. 235.

Dworkin investigates this question by looking at Louis' motivations. If Louis is ill-motivated or if his actions make him worse off, then his development of an expensive taste does not make sense. In those cases, welfare is unproblematic. The welfare egalitarian can consistently cling to a principle of equality of welfare and refuse compensation for expensive tastes. Dworkin investigates three possibilities. (a) Louis could try to develop an expensive taste when he and his society believe that welfare means enjoyment or relative success; (b) Louis could develop an expensive taste when he thinks welfare means overall success but his society thinks it means relative success or enjoyment; or, finally, (c) Louis could develop an expensive taste when both he and his society think that equality of overall success is the proper egalitarian metric. In all of these cases, both Louis and his society believe the principle of equality of welfare captures what is most fundamental in life and want to live by that principle. Where they may or may not disagree is how to understand or interpret that principle of equality. This difference in interpretation leads to different answers to whether it makes sense for Louis to develop an expensive taste.

a. Both Accept Relative Success

If Louis and his society both believe enjoyment or relative success is what is important, it does not make sense for Louis to change his preferences. To do so, either Louis is trying to increase his welfare at the expense of others or he will reduce his welfare. For example, Louis might be attempting to unfairly gain more welfare than others. Pretending to have an expensive taste and using the resources gained from that to buy a less expensive item, Louis increases his welfare at their expense. This scenario does not pertain to equality *per se*, but pertains to justice in general in dealing with fraud.[2]

On the other hand, if Louis sincerely develops an expensive taste, tries to make his life better on the chosen conception of welfare, he will reduce his welfare overall. Say he develops a taste for plover's eggs, which are quite expensive. The society must take this new expense into account in redistributing resources; the extra resources for this new taste must come from that already distributed - that is, from the resources of other people. Before Louis developed his expensive taste everyone had equal welfare, based on the available resources. Louis now requires more resources than he did before, which means others lose some resources. These others also suffer a welfare drop since they no longer have the same amount of resources to achieve the same level of welfare. The society, however, insists on equality of welfare. Society, then, insists that Louis must be equal in welfare to those who just lost welfare. They lost from the state of welfare he was in before he changed his preferences. Thus, he must suffer a welfare deficit.

2 Dworkin 1, p. 230.

b. Louis Accepts Overall Success, His Society Accepts Relative Success

So Dworkin shows that Louis cannot change his preferences if he and his society accept the theory of equality of welfare when understood as enjoyment or relative success. What if Louis rejects the societally accepted theory of equality.[3] Louis does not believe that welfare means enjoyment or relative success. Louis wants to make his life more valuable, which value factors in enjoyment and relative success, but is not limited to those factors. Louis, then, changes his preferences based on overall success. He asks to have the same level of enjoyment or relative success as the rest of society, but his real concern is the value of his life. Dworkin holds that Louis' differing understanding of welfare provides no reason to hold that Louis has acted improperly.[4] Therefore, Louis must be given extra resources to compensate for his expensive taste.

I find this stance hard to justify based on comments concerning political preferences and the principle of equality which Dworkin made earlier in his essay. Dworkin holds that the political preferences of people should not play a role in a conception of equality. Assuming that a society is a just society, a person who had different political preferences than those embedded in his society's principle would have unjust political preferences. For example, a racist would want his/her race to have more welfare than other races. Dworkin holds that this preference gives us no reason to provide the racist with more welfare. The racist has a view of justice contrary to the societally accepted one. If his society is presumed just, then the racist's view is unjust. Louis seems similar. He accepts a view of justice different from that which society accepts. If Louis' society is just, and that society accepts the principle of equality of enjoyment or relative success, then that principle is just. Louis' contrary principle is therefore unjust.

Indeed, Louis may be taking advantage of his society. Louis changes his preferences to increase his welfare, but not his welfare as society determines his welfare, that is as enjoyment or relative success. He only asks that society make him equal in that respect to other members of society. But that conception is not what is important to Louis, which is shown by the fact that his welfare will drop on that conception. Louis uses this to gain what he thinks more fundamental, but at a cost to other members of society. Does not this attempt at gain violate the claims to equality of those members? The conception of equality embedded in the society is a matter of justice, and Louis' differing opinion on this matter must be taken as a disagreement about what justice means and requires. But this means that his conception of equality is unjust for that reason, and therefore illicit.

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3 Dworkin 1, p. 231.

4 Dworkin 1, p. 231.

Dworkin does not see this parallel, however. Louis is attempting to improve his life on some other conception of welfare while maintaining equality of welfare on the conception chosen by society. So he is not trying to get more welfare on the chosen conception. Neglecting my argument from justice, how can society refuse giving him extra resources?

c. Both Accept Overall Success

Before attempting to answer this question, Dworkin asks whether it makes sense for Louis to develop an expensive taste when he and his society understand welfare to mean overall success.

What would be the motivation for Louis to change his preferences on an overall success account of welfare? Presumably, Louis thought that his life before the development of the expensive taste was as successful overall as everyone else's life (otherwise the distribution would be unfair from the start). Now, he thinks his life will be better if he cultivates an expensive taste, say for traveling to exotic lands. What is his judgment now of his previous life, the one in which he did not have the expensive taste? Either he could think that his previous life is just as good now as it was, or he could judge it to be less successful now than he previously judged it to be. If Louis believes his life is just as valuable, then he has no claim for extra resources. In this case, Louis would be asking for more welfare than others have, because he can have the same amount of welfare by continuing to live the same kind of life as before with the same amount of welfare.[5]

Yet, what if Louis has reflected further on the life he was living and concluded that it is not as valuable as he once thought? The life he has been leading turns out to be valueless. Louis now wants to cultivate new tastes, perhaps more challenging ones, to compensate for his previous life. He now asks for those resources necessary to make his life as valuable with his eyes open, so to speak, as it was when they were closed. A society cannot deny him resources because he reflected on what would be the best life to live. The examined life is a valuable one because of that. Further, had he asked for these resources in the initial distribution, he would have received them. Dworkin asks how, then, can a society refuse his request for more resources?[6]

3. Fair Shares

Dworkin proposes that the only way to refuse Louis is by referring to fair shares. A summary of the discussion might be helpful at this point first.

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5 Dworkin 1, p. 233.

6 Dworkin 1, p. 234.

> We might summarize the position we have reached in this way. If the chosen conception is one of the discrete conceptions we considered, other than overall success, then Louis is attempting to improve his welfare on some other conception he values more, while retaining equality in the chosen conception. But if the chosen conception is what really matters for equality, and if in any case others may already have more welfare in the conception Louis prefers, what grounds does society have for now refusing him equality in the chosen conception? If the chosen conception is overall success (which is assumed, arguendo, not to be self-defeating) then if a claim for extra resources arises at all, it arises because Louis now believes that the earlier distribution was based on a mistake. He asks no special advantage, but only that society reach the distribution it would have reached if he had been able to see more clearly then. What ground could society have for refusing him that?[7]

People recognize that society is limited in resources, and that the more expensive a taste a person has, the more resources that person needs and the less others can have if that person satisfies that taste. Louis, or whoever, would recognize, then, that having developed an expensive taste, satisfying it would require that everyone else's welfare in that society would diminish. He is requiring more resources, which means others have less resources. Fewer resources mean less welfare.

According to Dworkin, Louis cannot claim the right to lead a life more expensive than others at the same level of enjoyment or relative success as they simply because that life would be one of more overall success for him. Louis can make the most of his life with the share of resources he has. Yet, he cannot be allowed to trespass on the fair shares of others in order to make something more of his life.[8]

Yet, in this example, Dworkin introduced a new concept - a fair share. Dworkin holds that a fair share cannot mean "shares that give people equal welfare on the chosen conception."[9] Louis is requesting resources just on this account: he does not have a fair share because he does not share an equal level of welfare as everyone else in the society.

Similarly, if Louis develops a new conception of a valuable life based on welfare considered as overall success, he violates others' fair shares. Louis may live in a society which accepts overall success as the measure of welfare and must now consider his previous life as having less value than he did before. He requests new resources so that he can lead the life now that he always should have been living.

According to Dworkin, however, Louis cannot legitimately request extra resources from the society. He may make the most of his life on the resources that he has, but he

7 Dworkin 1, p. 234.

8 Dworkin 1, p. 238.

9 Dworkin 1, p. 238.

cannot require others to give up their resources so that he may make a better life for himself. Again, society is relying on some account of fair shares, but fair shares defined independently from the welfare received from those resources. Louis is only making a claim to have the same welfare that others have, but for which he needs more resources.

The notion of fair shares justifies the distribution. But this contradicts the idea that the distribution is based on equality of welfare. If welfare is what is fundamental, then the society cannot refuse the claim. The society refuses the claim, though, because the welfare people have is based on their fair shares which cannot be trespassed. Fair shares are what matter, then.

4. A Problem only for Resources

Yet, this is only if we assume we cannot compensate for chosen expensive tastes. It only makes sense and is legitimate for Louis to develop an expensive taste if he and his society both take welfare to be overall success. Why should we deny compensation for the expensive taste? Compensation for the expensive taste only seems unfair if we think fair shares are important, only if we think equality of resources is important. But we have been given no reason to hold that. Expensive tastes are only expensive if we are concerned with resources. The term "expensive" only has reference to resources.

The problem of expensive tastes, then, is not really a problem. At least, expensive tastes are not a theoretical problem for a principle of equality of welfare. Compensating for expensive tastes seems like a problem if one is looking at the situation from the viewpoint of equality of resources. People who are compensated for expensive tastes receive more resources than others. A resource egalitarian must justify this inequality in resources.

A welfare egalitarian has no such need. A welfare egalitarian, as I have stressed throughout, does not look at the division of resources in the society. This division is assumed arguendo to be unequal. This inequality does not matter for the welfare egalitarian however. Resources do not capture what is fundamental to a welfare egalitarian, welfare does.

Thus, if a welfare egalitarian sees someone with expensive tastes, s/he recognizes that this expensive taste deserves compensation. A person with expensive tastes has less welfare, less of what is fundamentally valuable in life. The only problem which occurs for the welfare egalitarian is whether someone is receiving more welfare than another or not. That a person has an expensive taste does not mean that person is receiving more welfare. Indeed, it usually means the opposite. As long as the person with expensive tastes is not trying to cheat society, then the welfare egalitarian says okay to compensation. I see nothing objectionable in that from a welfare point of view. The welfare egalitarian accepts

this result and does not try to resist it. Dworkin's first premise to the expensive taste objection, though, was that the welfare egalitarian would object to compensating for expensive tastes. The only reason we have been given for so objecting is inequality in resources. To a welfare egalitarian, this is no reason for objecting to compensation for expensive tastes.

In this chapter we have seen that Dworkin has distracted our focus from equality of welfare to equality of resources. Making the reader think of expensive tastes as a problem which needs a solution confuses the reader. The only way expensive tastes is a problem is if one accepts equality of resources. Showing that compensating for expensive tastes leads to inequality in resources, then, makes the reader object, but only because the reader has already, and perhaps unknowingly, accepted resources as a baseline for judging welfare. Again, welfare cannot pass a test based on equality of resources. But we have seen that expensive tastes is not really a problem for equality of welfare. We are left, then, with Dworkin's continued assumptions in favor of equality of resources. Why does Dworkin favor equality of resources? Does his reasoning for equality of resources really rule out welfare? If it does, should it? These questions are addressed in the next three chapters.

CHAPTER 4: EQUALITY OF RESOURCES

1. Liberalism and Equality

Dworkin's intuitions, which we tracked in the last chapter, do have some grounding, but this grounding is not discovered until the second part of Dworkin's essay on equality: "What is Equality? Part 2: Equality of Resources." Examining the reasons behind construing equality as equality of resources will help us understand why he rejects compensating for expensive tastes. This more positive argument might convince us that what is really important is resources, not welfare. Dworkin's refusal to compensate for expensive tastes is based on an idea of responsibility for our lives.

Traditionally, liberalism and equality are opposed. For Dworkin, in contrast, liberalism is based on equality.[1] Liberalism is based on an egalitarian morality.

Liberalism, for Dworkin, rests on a principle of equal respect for persons. This equal respect requires that the government impose no sacrifice on an individual which s/he could not accept without abandoning his or her sense of equal worth. Economically, equal respect means that no one have fewer resources than others in order that others may have more. Dworkin argues that the principle of equality of resources best honors each person's sense of equal worth. Treating people as equals requires that each have an equal share of resources to devote to the projects of his/her life by paying the true cost of his/her life. The true cost of one's life, according to Dworkin, is measured by what others give up for one to lead that life.[2] Persons will not have the same amount of resources at each moment in their lives, for such a distribution devotes an unequal share of resources to the whole lives of persons. One's resources over a whole life is determined by the resources one uses and produces, including those that result from decisions concerning work and leisure. Persons make various decisions in life which either add to or take from the overall resources of the community. In determining a person's fair share, the true cost of a person's life must include what s/he has added to or taken away from the available resources.[3]

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1 Dworkin, Ronald. "Why Liberals Should Care about Equality," A Matter of Principle. ch. 9, p. 205.

2 Dworkin 2, p. 294.

3 Dworkin, Ronald. "Neutrality, Equality, and Liberalism," in MacLean, Douglas and Mills, Claudia eds. Liberalism Reconsidered. Rowman and Allanheld Publishers, 1983, p. 4.

2. The Envy Test

Also, according to Dworkin, the equality of resources standard satisfies the "envy test." The envy test requires that no one would desire the bundle of resources another has. The envy test expresses the idea of equal worth because it includes an ideal of what resources one should have in life. The market passes this test, for a person, given his/her sense of his/her fair share, could have chosen to purchase the same bundle of resources another purchased, and therefore has no grounds on which to envy the other. However, this envy must reflect the whole life of a person, including one's choices about work and leisure in the past, present and future. Thus, the envy test holds that no one envy another person's bundle of resources including the amount of work invested in the accumulation of that bundle.[4]

Yet, this envy test requires that a person can make the same choices about work, leisure and investment as any other person. Inequalities in wealth due to such choices are consistent with the principle of equality of resources, for the equality of resources approach has distribution reflect the cost of someone's life. However, equality of resources cannot countenance inequalities of wealth due to arbitrary factors such as differences in talents and starting positions. Over these circumstances a person has no choice.

> On the one hand we must, on pain of violating equality, allow distribution of resources at any particular moment to be ambition-sensitive. It must, that is, reflect the cost or benefit to others of the choices people make... But on the other hand, we must not allow the distribution of resources at any moment to be endowment-sensitive, that is, to be affected by differences in ability of the sort that produce income differences in a laissez-faire economy among people with the same ambitions.[5]

How does one measure the true cost of one's life?

First, people require some resources for the projects they pursue. According to Dworkin, how much others give up in order for a particular person to use some resource determines the value of that resource. The value of a resource includes what raw resources are available to everyone and the tastes individuals have. The final cost of a resource measures the value of that resource for all individuals according to how much each was willing to sacrifice in order to use it for his/her life projects in light of the tastes of persons in the community and the resources available to that community. Thus, if many people want it, the value is high; if few want it, however, the cost is low.

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4 Dworkin 2, p. 306 - 7.

5 Dworkin 2, p. 311.

Secondly, the choices one makes about leisure, work, and investment help determine one's fair share. These choices "have an impact on the resources of the community as a whole."[6] Someone who chooses to work hard and produce desired resources (e.g. food) adds to the total amount of resources. Likewise, someone who chooses not to work as hard or to relax adds less to the community resources. Thus, one may choose to produce enough tomatoes to pay for the plot of land one acquired so that now the cost is returned to him/her through transaction. A person who chooses not to work as much does not have the same amount of wealth, for s/he "spent" his/her wealth by not adding to the available resources. Others give up less - the determinant of the value of the resource - by having resources returned to them that they desire. A person's fair share of resources, then, is partially a function of the sacrifices imposed on others by one's choices about work and leisure.[7]

A market, then, measures the value of resources added to and taken from the communal pot.[8]

> An efficient market for investment, labor, and goods works as a kind of auction in which the cost to someone of what he consumes, by way of goods and leisure, and the value of what he adds, through his productive labor or decisions, is fixed by the amount his use of some resources costs others or his contributions benefit them, in each case measured by their willingness to pay for it.[9]

The market as an ideal device measures the true cost of people's lives by a) setting the price of resources as determined by others' willingness to pay for them, b) measuring the benefit of a person's contribution to the total resources, and c) distributing resources according to how much one works or how much leisure one enjoys. As a political institution, the market is the best model of a mechanism that achieves the ideal distribution in equality of resources. The ideal distribution informs a redistribution of initial resources gained through a faulty institution. "We must be content to choose whatever programs we believe bring us closer to the complex and unattainable ideal of equality, all things considered."[10] We change these programs to the extent that we can come closer to the distribution given in the ideal market as determined by equality of resources.

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6 "Neutrality, Equality, and Liberalism, p. 4.

7 Dworkin 2, p. 305.

8 Dworkin 2, p. 289..

9 "Neutrality, Equality, and Liberalism," p. 4.

10 "Neutrality, Equality and Liberalism, p. 5.

3. Preferences versus Resources

The main distinction between equality of welfare (in any of its forms) and equality of resources is that equality of resources does not provide a "reason for correcting for the contingencies that determine how expensive or frustrating someone's preferences turn out to be, though it does provide compensation for handicaps."[11] Equality of resources cannot run into the problem of expensive tastes which plagued equality of welfare throughout our previous discussion. A society based on equality of resources insists that its members take into account the effect their preferences and tastes have on the other members of society or how much the fulfillment of their preferences costs others. Under equality of welfare, people decide their tastes and what sorts of lives they want to lead independent of the effect of that conception on others. In equality of welfare, the effect of people's tastes on the distribution is handled at the political level, while in equality of resources, these effects are handled on the individual level. We shift the burden from the public to the private realm.[12]

Under equality of resources, then, handicaps are distinguished from expensive tastes. Physical and mental capacities are considered resources, while preferences are considered tastes. A distribution attempting to achieve equality of resources must take into account the physical and mental capacities people have as part of their package of resources. Those who lack certain abilities receive more external resources to compensate. In contrast, tastes cannot be considered resources because "we cannot state what equality in the distribution of tastes and preferences would be."[13]

This distinction between resources and preferences relies on a

> distinction between a person and his circumstances, and assigns his tastes and ambitions to his person, and his physical and mental powers to his circumstances. That is the view of someone .... who forms his ambitions with a sense of their cost to others against a presumed initial equality of economic power, and though this is a picture different from equality of welfare, it is a picture at the center of equality of resources.[14]

Under equality of welfare, as stated previously, a person need not take into account the effect of his/her preferences on others. Second, no distinction is made between a person's physical and mental powers and a person's tastes and ambitions. Yet, liberalism based on

11 Dworkin 2, p. 288.

12 Dworkin 2, p. 288.

13 Dworkin 2, p. 302.

14 Dworkin 2, p. 302.

equality insists on these distinctions because it insists that people can form their own conception of the good and can take into account others' conceptions of the good. Persons are responsible for their preferences, but not for their physical and mental powers, because people choose their preferences.

I want to interrupt this summary to make a criticism. I think this might conflict somewhat with something Dworkin earlier wrote in "What is Equality? Part 1: Equality of Welfare." Dworkin suggested there that people are not responsible for their conceptions of the good. In explaining Louis' behavior in cultivating a new taste, it was suggested that such tastes

> are often cultivated in response to beliefs - beliefs about what sort of life is overall more successful- and such beliefs are not themselves cultivated or chosen. Not, that is, in any sense that provides a reason for ignoring differences in welfare caused by these beliefs in a community otherwise committed to evening out differences in welfare.... People reason about their theories of what gives value to life in something of the same way in which they reason about other sorts of beliefs. But they do not choose that a life of service to others, for example, or a life of creative art or scholarship, or a life of exquisite flavors, be the most valuable sort of life for them to lead...[15]

How can Dworkin in one section claim that people are not responsible for their conceptions of the good or what makes a life good and in the next section claim that people are held responsible for these conceptions so that they must be held responsible for what these tastes and preferences cost others?

In the same section as the citation above, Dworkin said that we could in any case hold people responsible for how far they act on these preferences. I may not be responsible for my sexual preferences, but I am responsible for acting on them. Likewise, I am not responsible for what theory of the good life I have, but I am responsible for what claims I make on society to fulfill that life. Now, I am not sure how this would maintain neutrality among conceptions of the good. When society does not compensate for expensive tastes, it seems that a certain conception of the good is being punished or is evaluated as having less value than others.

This distinction is between those features which define what a successful life would be and those "features of body or mind or personality that provide means or impediments," to the achievement of the life.[16] People should have the same resources in order to make what life they will. Equality of overall success does not work because it asks people what

15 Dworkin 1, p. 232.

16 Dworkin 2, p. 303.

they can make of their lives in order to determine what resources they receive. This violates the requirement that people be held responsible for preferences, a central tenet of liberalism. Under equality of overall success, according to Dworkin, people are not seen as responsible for their preferences. Others must pay for those preferences when those preferences are expensive. The choices people make under equality of welfare of overall success do not reflect the cost or benefit to others of those choices.

To return to my summary of Dworkin's position, a more talented tomato grower will provide more resources than a less talented one though both work just as hard. But this difference in talent is not a matter of choice. One's talents are not something one gives or takes from society. Further, talents cannot be manipulated or transferred according to some political process according to equality of resources. Equality of resources distinguishes between a person and the person's circumstances. Persons are held responsible for their tastes and ambitions; yet, persons are not held responsible for their circumstances, such as mental and physical powers. Equality of resources is a distribution of resources according to the choices people make - what is assigned to the person, but not according to talents and powers - what is assigned to the circumstance. Dworkin favors this distribution because he holds that if one decides to labor in drudgery while another of equal talent and opportunity decides to work in a less demanding position or spend more time in leisure, then the former should benefit from his work. A person has a choice about his/her life plan and how s/he defines a successful life. Because of this choice, a person should be held accountable for how one's life plan affects one's resources and their use. On the other hand, one does not have a choice concerning the circumstances in which one is born, or what powers physical or mental one has. Therefore, one should not be held accountable for these differences.

We see, then, that Dworkin rejects equality of welfare because it does not reflect the equal worth of persons. Equal respect means that in order to treat people as equals, persons must pay the true cost of their lives. This true cost is measured by how much others sacrifice in order for a particular person to live out some life plan. Welfare can play no part in this measurement because of the theoretical consequence it has - giving more resources to those who have expensive tastes. Dworkin intuitively argues that distributing more resources to those with expensive tastes violates the self worth of those without expensive tastes. No one, it seems, could agree to a system in which s/he has less just so someone with expensive tastes may have more.

Certainly Dworkin's argument seems forceful. No one should be expected to pay for the welfare tastes of another. For example, I, a lowly graduate student with two

children, should not need to have my share of resources taken from me in order that Donald Trump can build a two-million-dollar-a-room hotel and eat caviar every weekend. I think this picture captures quite accurately what concerns welfare state liberals when it comes to capitalist distributions of resources. The working man pays for the multinational company owner's mansion in upstate New York and his private jet, while he then sometimes cannot afford to vacation in Florida, or go to the movies when he wants. So I admit that this is rather an appealing means of distribution. But I wonder if it captures all the concerns of an egalitarian.

In this chapter, we have seen the driving motivations behind Dworkin's rejection of welfare and his preference for equality of resources. In order to respect the equal worth of persons, we must pay the true cost of our lives as measured by the market. The market is deemed fair because it passes the envy test. Further, we see that Dworkin thinks that compensating for expensive tastes violates our equal worth. Such compensation says that the taste is not mine, and forces others to pay for that taste. In condemning compensation for expensive tastes, though, has Dworkin rejected all welfare considerations without adequate reason? Further, are expensive tastes really undeserving of compensation? Does compensating for expensive tastes violate the envy test? These questions will be answered in the remaining chapters.

CHAPTER 5: LIFE PLANS AND WELFARE DEFICIENCIES

In chapter two, we saw that Dworkin illicitly used a standard of equality of resources to judge the principle of equality of overall success. Further, we saw that the so called problem of expensive tastes drove Dworkin's arguments against the principle of equality of welfare. In chapter three, we looked at expensive tastes to discover that compensating for expensive tastes is only a problem if looked at from a perspective of resources. Looking at expensive tastes from a welfare perspective, the term "expensive" drops out of the equation. Looking at the term "expensive" takes our attention from welfare to resources. In chapter three we discovered Dworkin's reasons for affirming the principle of equality of resources. Respecting the equal worth of persons requires that people pay the true cost of their lives as measured by the market. In terms of the market, tastes are cheap, expensive or plain. With this argument, Dworkin thinks that he has eliminated welfare from any role in an egalitarian metric. In this chapter, I look at some cases which might prompt us to compensate for the welfare deficiencies involved. If we are moved to compensate welfare deficiencies in some of these cases, then Dworkin's argument leaves out something important in an egalitarian principle.

A. Cohen's Critique

1. Theoretical Differences

G. A. Cohen examines Dworkin's arguments against welfare and expensive tastes. In the process, he suggests there are two differences between his view and Dworkin's view. First, his view holds that welfare deficits for which the person is not responsible deserve compensation. Second, his view puts the issue of responsibility in the foreground of distribution. Cohen believes that these two points make his position better than Dworkin's position. In analyzing Cohen's argument to this effect, I hope to show that Dworkin must grant Cohen his point.

Cohen believes the fundamental difference between him and Dworkin is what each holds merits compensation. For Dworkin we saw that what belongs to the person - one's preferences and one's theory of the good - do not influence the distribution of resources. Instead, a person's powers and capabilities influence how resources are distributed. Cohen, on the other hand, holds that the "right cut is between responsibility and bad luck,

not between preferences and resources."[1] An egalitarian form of distribution provides resources for those who suffer bad luck but not for those things for which a person can be said to be responsible. I have suffered bad luck if, from birth, I do not have the ability to walk. I should receive resources in order to compensate for this experience. However, if I desire champagne every night after dinner, and I have chosen this desire, then I do not deserve extra resources to compensate for this.

Yet, between resource deficiencies and chosen expensive tastes lies a field of possibilities for compensation. Welfare deficiencies which a person could not have chosen appear similar to resource deficiencies. Neither is chosen and both limit the life plans available to a person. Next are unchosen expensive tastes. Unchosen expensive tastes do not seem like resource deficiencies such as handicaps. However, like welfare deficiencies, unchosen expensive tastes require more resources to be satisfied.

On this landscape, Dworkin draws the line of compensation at resource deficiencies; Cohen draws the line of compensation at unchosen expensive tastes. This difference is a direct result of the different criteria which Dworkin and Cohen use for determining distribution of resources. Dworkin's concern is responsibility, while Cohen's concern is choice.

In everyday language, we usually associate choice with responsibility. We do not hold someone responsible for robbing a store when that person had no choice in the matter. For Dworkin, however, this conjunction of responsibility and choice does not hold.

What determines Cohen's theory of resource distribution is the idea that "the primary egalitarian impulse is to extinguish the influence on distribution of both exploitation and brute luck."[2] A right understanding of egalitarianism is that "its purpose is to eliminate *involuntary disadvantage* .... disadvantage for which the sufferer cannot be held responsible, since it does not appropriately reflect choices that he has made or is making or would be willing to make."[3]

On the other hand, this reading of egalitarianism could be applied to Dworkin. Dworkin is concerned that distribution does not reflect the arbitrary distribution of talents, or of brute bad luck, such as a meteor crashing down on my head.[4] In the following pages, I will investigate the difference between not distributing for things which are chosen

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1 Cohen, G. A. "On the Currency of Egalitarian Justice," Ethics 99: July 1989, p. 922.

2 Cohen, p. 908.

3 Cohen, p. 916.

4 Dworkin 2, p. 293.

(Cohen's view) and not distributing for those things which are part of the life plan (Dworkin's view).

2. Alfred and Arthritis

Cohen begins his analysis of Dworkin with the example of Alfred. Alfred has a peculiar problem: whenever he lifts his arm, after he puts it down, he suffers pain. He is quite good at lifting his arm. If there were an objective test to measure such a thing, Alfred would be found to lift his arm better than anyone else. But then there is the pain, for which Alfred is not responsible. Should the egalitarian compensate Alfred for his pain?

Cohen holds that the egalitarian should provide compensation. He argues that Dworkin would only compensate Alfred if he suffered a resource deficiency. Alfred does not suffer a resource deficiency; he suffers a welfare one. He can move his arm well, "*in the relevant sense*."[5] Alfred cannot move his arm as a normal person does. Alfred lacks a capacity in the following sense: he cannot move his arms without pain without taking medicine.

> But compensating for a lack of capacity which needs to be described in that way for the ground of the compensation to be revealed cannot be represented as compensating for incapacity when that is opposed to compensating for welfare opportunity deficiency. A would-be resource egalitarian who said, "Compensation is in order here because [Alfred] lacks the resource of being able to avoid pain" would be invoking the idea of equality of [welfare] even if he would be using resourcist language to describe it.[6]

Welfare deficiencies are different from resource deficiencies. Welfare deficiencies cover despondency, failure to achieve aims, comfort; resource deficiencies include poverty and physical and mental weaknesses. The lack of comfort which Alfred experiences clearly falls under a welfare deficiency. Alfred is not physically weak or immobile; he can move his arm but it costs him a lot of pain to do so. Though we can say that Alfred lacks a capacity, our concern is his pain.

In his discussion, Cohen admits that Alfred's pain is fanciful since it does not accompany the movement but occurs after it. Yet, many people suffer from arthritis - a real world example of Alfred's pain. Arthritis also involves a lack of capacity; it is difficult for someone with arthritis in his/her hands to type, tie their shoes, etc. This difficulty is a resource deficiency, and so makes compensation for arthritis seem like it stems only from the lack of resource. Cohen argues that to cater only to the resource deficiency and not to

5 Cohen, p. 919, his emphasis.

6 Cohen, p. 919.

the welfare deficiency seems incoherent to the egalitarian. To illustrate this point, consider that we have two medicines, one which relieves the arthritic swelling and one which relieves the pain. The first restores skill and the second relieves a welfare deficit. Would the egalitarian only provide the antiinflammatory? Certainly this seems to violate the egalitarian impulse.

Yet, does that not seem exactly like what Dworkin proposes: to provide the antiinflammatory medicine but not the pain medicine? Dworkin holds that equality of resources allows no room for welfare comparisons between people.[7] As long as a person has an equal voice in determining his/her share of resources, it does not matter whether s/he is satisfied with those resources. Likewise, as long as the inflammation is reduced and a person can perform the work s/he wants, then no reason occurs to provide the person with the pain medicine.

In actuality, Dworkin never addresses this particular question or type of example. However, he does look at a similar situation and provides a solution for that.

Dworkin considers a craving or obsession which causes a person frustration in pursuing what would otherwise be an easily achieved goal. For example, what if someone were interested in Catholic priesthood but had an intense desire for sexual intercourse - could that person not say that this sexual desire is a handicap? Equality of resources distinguishes between beliefs and attitudes which define the successful life - what sort of ambitions one has - and features of body, mind or personality that impede or aid those ambitions.[8] But in this case, the sexual desire of the would be priest is not part of what defines a successful life; his sexual desire impedes his pursuit of that life and is a feature of his personality and body in this case. For "normal" people, sexual desires are consistent with and part of the formation of a successful life; not so in the case at hand. Further, looking at the craving as a feature of body and personality which impedes pursuit of a happy life, it falls among those things which deserve compensation. Dworkin proposes, then, the same method of compensation for this unwanted desire that he proposes for dealing with handicaps: taxation based on a hypothetical insurance market.

> Someone who is born with a serious handicap faces his life with what we concede to be fewer resources, just on that account, than others do. This justifies compensation, under a scheme devoted to equality of resources.[9]

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7 Dworkin 2, p. 335; Cohen, p. 920.

8 Dworkin 2, p. 303.

9 Dworkin 2, p. 302.

The real problem with handicaps is not a lack of resources but the extent to which the "ownership of material resources should be affected by differences that exist in physical and mental powers."[10] People with handicaps will not have the same command over external resources that those without would have. This lack of command requires compensation.

This compensation is arranged through compulsory insurance which members of society purchase to protect themselves against suffering from handicaps. Dworkin asks, hypothetically, how much insurance would a person purchase if that person's chance of suffering a handicap is equal to everyone else's. This amount is set against three factors: what technology is available to compensate for handicaps; whether aids exist which can overcome a disability; or whether special education is available to correct for, say, suffering dyslexia. The determined amount is used to construct a tax scheme to provide those who suffer handicaps with more resources to command in the market.

This example might help us see what sort of reply Dworkin might make to Cohen about the person who suffers from arthritis. In response to the man who wanted to be a priest but had strong sexual desires which frustrated the pursuit of that life, Dworkin proposed that we might construct an insurance program. He did doubt, though, that anyone would truly purchase adequate insurance in that manner. But we can apply the same approach to a person suffering arthritis: hypothetically, how much insurance would people purchase against this malady? That people would purchase such insurance seems reasonable and is justified in Dworkin's theory by way of the insurance market. Cohen and Dworkin would not disagree about the result of this case. If Dworkin would hold that we would not allow an insurance purchase against this ill fare, or welfare deficit, then so much the worse for Dworkin's theory which relies on intuition in many cases, but then does not follow our strong intuitions in the case of arthritis. Arthritis is a feature of the body which impedes the pursuit of some life plans, and therefore deserves compensation.

3. Pain versus Life Plan

A difference shows itself here between Dworkin and Cohen though. Dworkin takes as his baseline for compensation the control over resources one has. Cohen, on the other hand, considers also the ill fare which Alfred suffers. The main point of the Alfred example is that, according to Cohen, Alfred's pain deserves relief or compensation. I am not sure, though, whether Cohen has given us a reason to accept welfare as the baseline.

With Dworkin's comments on welfare and expensive tastes, I continually noted that Dworkin had not yet given us a reason for accepting resources as the baseline for

10 Dworkin 2, p. 301.

distribution. A reason was finally provided in the discussion of the equal worth of persons. We are wondering now if Cohen's example of Alfred shows that welfare is important in an egalitarian distribution. We saw that Dworkin could compensate Alfred.

The question then becomes, is Dworkin compensating for the deficit in welfare or the deficit in skill only? Is there anything in Dworkin's theory that suggests that he would compensate for the element of pain suffered by the arthritic victim or by Alfred who suffers pain after he moves his arm? Perhaps Dworkin could handle cases like Alfred's by noting the interference such pain has with life plans. Does the would-be priest's sexual craving deserve compensation because it causes pain or only because it interferes with a person's life-plan? If only the latter, then Dworkin would not provide the pain medicine for Alfred or the victim of arthritis. Dworkin's theory is then wrong in not granting welfare some role in an egalitarian metric.

An attempt to modify Dworkin's theory so that it compensates for the pain of arthritis puts it in a tight spot. To reconcile this modification with what Dworkin says about the role of welfare in his theory would be impossible. Dworkin could hold that the pain and frustration deserve compensation only because they are a feature of the body or personality which impedes achievement of one's life goal. Indeed, it may not be the sexual desire itself which interferes with the would-be priest's plans, but the occurrence of the pain and frustration which does so; a priest is supposed to incur sacrifice in any case, and the denial of sexual intercourse serves that purpose. So any craving a person might have that caused frustration and pain due to its lack of fulfillment may only interfere with the pursuit of a life plan because it is pain.

This solution for Dworkin's theory to cover welfare deficits might work for an arthritic victim. As I understand it, the pain and not the swelling is what makes life difficult for one who suffers arthritis. But could Dworkin use this same method of resolution to handle any welfare deficit? Are there any welfare deficits which do not interfere with life plans? If there are not, then Dworkin's theory has the same result as Cohen's, and, so, we would have no reason not to accept Dworkin's theory. He handles welfare deficiencies. But Dworkin's theory cannot handle all welfare deficits, I suppose.

To change the example of Alfred, imagine that the life plan Alfred has chosen does not require him to lift his hands in that way. He is quite comfortable and happy not lifting his arms and does not need to do so for the kind of work and recreation he pursues. Does he still deserve compensation? We might be a little hesitant to compensate Alfred here. If he never needs to lift his arms in that way, he will never know that he has a welfare deficiency. I am not sure what Cohen would say in this case. But Dworkin would hold

that no compensation is deserved. Alfred has a life plan which is not interrupted.

In light of the previous example we could ask if Dworkin is doing what Cohen claims a resource egalitarian must do in order to see Alfred's pain as an incapacity: that is, using resource language when the motivation is really compensating for "welfare opportunity deficiency"? In this case, does Dworkin hold that Alfred deserves compensation because he cannot not lift his arm without avoiding pain? Or, does the would-be priest deserve compensation because he cannot be a priest without avoiding pain and frustration? I think the latter is exactly what Dworkin would say, but it points out the difference between what Cohen attributes to a resource egalitarian and what distinguishes Dworkin from them. The case of the would-be priest cannot be stated without stating the life plan of the subject, whereas the case of Alfred is stated without mention of his life plan.

Indeed, in Alfred's case we do not need to state a life plan, for moving one's arm is so central a part of life (for those of us who have arms), that the pain necessarily interferes with pursuing any life-plan. He has an advantage over someone without arms in that he could, if so inclined, move something which an armless person would be unable to do. But this movement is not as worthwhile to Alfred without the pain medication as it would be to someone who did not suffer the pain. Alfred, then, should be treated like the handicapped person, except that, presumably, curing his affliction costs less than helping the handicapped person overcome his/her lack of command of resources. So Dworkin does not use resource language to compensate for a welfare deficiency. Now we must ask if a situation could occur where Dworkin's and Cohen's theories give different results.

B. Welfare Deficiencies

1 The Poor and the Cold

Consider the following example from Cohen:

> [J]ust think of poor people in Britain who suffer discomfort in the winter cold. The egalitarian case for helping them with their electricity bills is partly founded on that discomfort itself. It does not rest entirely on the disenablement which the cold, both through discomfort and independently, also causes.[11]

Certainly, an egalitarian would want to compensate the poor in Britain who suffer discomfort due to cold. But this example is slightly confusing. Cohen has more than one reason for compensation: namely discomfort and poverty. Simply because they are poor,

11 Cohen, p. 920.

we should give them compensation. A central egalitarian motive is to eliminate poverty. By qualifying a person or group as poor, one ensures compensation for that group. I think, then, that Dworkin would agree to compensation in this case, and rather easily.

Yet this agreement would overlook Cohen's second motivational factor: the discomfort itself. Compensation is not owed simply because the discomfort from cold disables people's pursuit of a good life; compensation is owed because of "that discomfort itself." "That discomfort itself" should give Dworkin some pause.

What would happen if, contrary to fact, resources are divided evenly right now, and there is one section of Britain where it is warm most of the time, or at least not bitterly cold, and another section which endures much cold throughout half of the year? Should we then transfer resources from those who live in the warm area to those who live in the cold area, other things being equal? Dworkin has an easy answer to this. The people living in the cold region of Britain suffer a certain lack of resources: enough heat during part of the year. Since lack of heat can inhibit the pursuit of a good life, then people deserve compensation for that loss. Indeed, I imagine Dworkin would propose some kind of insurance against this and other natural hazards which might interfere with a good life. That someone would be born into the cold region is as equally likely as being born into the warm region. Respecting everyone's worth, the egalitarian would hold that no one should suffer unfairly due to this; therefore we should compensate those who are born in the cold region.

In this redistribution of resources, we have relied on reference to inability or the hampering of the pursuit of a good life to justify the redistribution. This avoids Cohen's original concern that we should compensate for the discomfort that those living in the cold region suffer. To prove this point that discomfort matters and deserves compensation, we need to abstract from the example even more, for we want to isolate the factor of suffering from all other factors, including poverty and unequal resources. Further, we need to ask if there is ever a situation in which pain does not hamper the pursuit of the good life. Dworkin can always recommend redistribution through insurance if some factor would inhibit the pursuit of the good life. We need to isolate the suffering to see if it indeed requires compensation.

2. Pregnant Women

Consider a pregnant woman. She suffers nausea, discomfort and pain. None of these things makes her less likely to conceive and bear children, for the most part. Some women do decide not to bear children or not to have more than one because of the pain and discomfort. This observation is beside the point. At least some women choose to suffer

pain and discomfort in order to have children.

One might also observe that women gain a benefit by bearing children which compensates for the pain and discomfort. Many women love to feel the child moving in their wombs and/or look forward to watching it grow to maturity. People receive enjoyment from carrying out their life plans. A person who suffers an arthritic back receives a certain enjoyment from playing a basketball game all the way through. Surely we would not suggest that the person does not deserve medication simply because that person receives some enjoyment from the activity that involves the pain. This observation focuses our attention on relative success. If a person is successful in achieving his/her life goal, then the person deserves no compensation. We want to be concerned with more than relative success, though.

Now, what if, contrary to fact for these pregnant women, we had medicines or training which relieved the pain and nausea, would we provide it free of charge for the women?

One reason we might compensate for the pain and discomfort is because women who decide to bear children are performing some service to the state. The state needs new members to carry on its work, continue production, and care for the old. In a sense, then, women are performing work for the state. For the most part, however, we do not consider this service compensable (though perhaps we should). Even if we did compensate women for bearing children, this compensation would be in return for work done, not for the misery suffered. We do need the children and that is the thing for which we would, in a sense, pay. But the pain and suffering is something different.

Or perhaps it is not. If the pain and suffering does motivate us to provide medicine for the pregnant woman, this compensation shows that pain and discomfort do deserve compensation. If the welfare deficiency did not deserve compensation by itself, it would not deserve compensation simply because someone is suffering for another's sake.

This phrase "suffering for another's sake" more poignantly picks out that we are concerned with suffering and the relief of that suffering when possible. If we were not concerned with suffering, then no one would be praised or looked up to for suffering for another.

We are concerned with more than just benevolence, though. We are concerned that no one suffer pain and discomfort through no choice of their own. Women suffer a disadvantage when they suffer pain that other members of society cannot and do not suffer - the discomfort and pain of pregnancy and birth. The disadvantage is not one of life plans, however, but one of welfare.

Now we arrive at a point where we can show that Dworkin's theory cannot be modified to account for welfare. He cannot compensate for the welfare deficiency of pregnant women.

In order to deny that pregnant women should receive ill fare relief for the discomfort of pregnancy, Dworkin needs to show that it does not interfere with life plans. I have shown that the pain and discomfort does not interfere with the life plans of at least some women. But I have also shown that we are still concerned with relieving their welfare deficiency.

Dworkin does not consider whether welfare is valuable. He only opposes it as a standard for equality. Cohen, on the other hand, provides us with examples meant to show that welfare is valuable and deserves compensation. His examples either do not separate the welfare deficiency from other resource factors, as in the case of the poor cold people in Britain, or falls subject to Dworkin's own reasoning for compensation, that is, as interference with life plans. Though Dworkin and Cohen have different motivations, the first to compensate for life plan interference and the second to compensate for welfare deficiencies as well, from the examples Cohen gives us we cannot determine whether his motivation is really valid. We are already motivated by the resource deficiencies present.

Pregnant women who do not allow the pain and discomfort of pregnancy to interfere with their life plans provide an example which avoids both of Cohen's problems. Further, this example provides a reason for valuing welfare, regardless of the implications of equality of resources for welfare, particularly the so called problem of expensive tastes.

The example of the pregnant woman drives Cohen's point home: people deserve compensation for their ill fare. If Dworkin denies this, I think we would have to say he is just mistaken. Is he similarly mistaken about expensive tastes?

CHAPTER 6: EXPENSIVE TASTES AND THE EQUAL WORTH OF PERSONS

In chapter two, we saw that Dworkin illicitly brings in the principle of equality of resources to judge the principle of equality of overall success. Further, we saw that the so-called problem of expensive tastes drove Dworkin's arguments against the principle of equality of welfare. In chapter three, we looked at expensive tastes to discover that compensating for expensive tastes is only a problem if looked at from a resource perspective. Looking at expensive tastes from a welfare perspective, the term "expensive" drops out of the equation. Looking at the term "expensive" takes our attention from welfare to resources. In chapter three we discovered Dworkin's reason for affirming the principle of equality of resources. The equal worth of persons requires that people pay the true cost of their lives as measured by the market. In terms of the market, tastes are cheap, expensive or plain. With this argument, Dworkin thinks that he has eliminated welfare from any role in an egalitarian metric. But in chapter five, we discovered that welfare should play some role in an egalitarian metric. Looking at those pregnant women who do not allow the pain and discomfort of pregnancy to interfere with their life plan of having children, we discovered a case in which we still want to compensate for their welfare disadvantage. Dworkin's argument against a role for welfare to play in a principle of equality is refuted.

In this chapter I want to see if we should compensate for expensive tastes. Cohen provides an argument that expensive tastes are necessarily unchosen unless someone is trying to gain something from other members in the society. This extends to "snobby" people. Snobby people think they deserve more than others because they are better than others. This belief directly violates any principle of equality, particularly if that principle is based on the equal worth of persons. The question, then, is can we reconcile compensating for expensive tastes with upholding the value of the equal worth of persons. In this chapter, then, I will see if some of Dworkin's techniques can supplement an account of equality of welfare. To do so, I want to look at one last example.

1. The Example

Consider four people: May, Ana, Kyra, and Jes. May lives a simple life which she finds fulfilling, upon which she has reflected and considered good. She does not require all of the resources at her disposal, and has some stored away. Ana also lives a simple life,

but one upon which she has not reflected. Though if anyone would ask her if she lives a good life she would reply yes, she would not understand this in the same way that May does. Kyra is like Ana in that she has not reflected on her life; she is unlike both May and Ana in that she has extravagant tastes and requires many resources for her pursuits. Jes, then, requires as many resources as Kyra; she has the peculiar disadvantage of having reflected on her life and having chosen the preferences she has.

Dworkin would not compensate either Kyra or Jes. What reason could Dworkin supply for this position? Dworkin would perhaps note the following reasoning from John Rawls who has the same opinion about expensive tastes.

> As moral persons citizens have some part in forming and cultivating their final ends and preferences. It is not by itself an objection to the use of primary goods [read: resources] that it does not accommodate those with expensive tastes. One must argue in addition that it is unreasonable, if not unjust, to hold such persons responsible for their preferences and to require them to make out as best they can. But to argue this seems to presuppose that citizen's preferences are beyond their control as propensities or cravings which simply happen. Citizens seem to be regarded as passive carriers of desires. The use of primary goods [resources] .... relies on a capacity to assume responsibility for our ends.[1]

In a similar vein, Dworkin could respond to those preferences which a person had no part in forming as being controllable in that sense. That is, someone who grew up on plover's eggs and claret is still responsible for how much of those items s/he consumes. This idea cuts a line between Alfred's pain and an unchosen expensive taste. Alfred is not responsible for the pain he experiences when lifting his arm. Further he cannot help but feel that pain, since the pain is not something over which he has control. A person who has an expensive taste, on the other hand, can control how much s/he pursues or fulfills that taste. This control may cause frustration, but s/he still is in control of acting on that preference. Unlike pains and morning sickness, then, acting on preferences is an activity within the control of the person who has them, and we do hold people responsible for acting upon their preferences. If we hold people responsible for acting on them, then it follows that we should not compensate those who have expensive preferences. To compensate for them would be to admit that they are not within the control of the individual.

Cohen takes a different stand:

> I distinguish among expensive tastes according to whether or not their bearer can

[1] Rawls, John. "Social Unity and Primary Goods," in Utilitarianism and Beyond ed. Amartya Sen and Bernard Williams, Cambridge: Cambridge University Press, 1982, pp. 168 - 9.

> reasonably be held responsible for them. There are those which he could not have helped forming and/or could not now unform, and then there are those for which, by contrast, he can be held responsible, because he could have forestalled them and/or because he could now unlearn them.[2]

Yet, Cohen gives us no examples of this difference. If all that is necessary for claiming that a person is responsible for his/her preferences is that s/he could forestall it or unlearn it, Cohen will be hard pressed to find examples of those which are not unlearnable or forestallable. That is, those which are not also classified as obsessions and cravings. If we are only left with cravings and obsessions, Dworkin allowed for those in a hypothetical insurance market. His theory suffers little, then, if at all. Certainly Kyra may not be able to live a life like Ana or May, but perhaps she could find a cheaper life than the one she now lives.[3]

2. Unchosen Expensive Tastes and the Market

Cohen does hold that people have unchosen expensive tastes. But what reason do we have for compensating for those expensive tastes? Kyra loves photography and hates fishing; Ana loves fishing.[4] Unfortunately for Kyra, photography is an expensive hobby, while, fortunately for Ana, fishing is not expensive and she can pursue her pastime with ease. Cohen believes we should subsidize Kyra's photography. Kyra cannot be held responsible for her expensive taste; she hates fishing and she did not form a taste for photography. It is a measure of brute luck which results in the high-cost of photography, and such brute luck, we have determined, deserves compensation because of the frustration it causes.

Cohen continues:

> A typical unrich bearer of an expensive musical taste would regard it as a piece of bad luck *not that he has the taste itself but that it happens to be expensive* (I [Cohen] emphasize those words because, simple as the distinction they formulate may be, it is one that undermines a lot of Dworkin's rhetoric about expensive tastes). He might say that in a perfect world he would have chosen to have his actual musical taste, but he would also have chosen that it not be expensive. He can take responsibility for the taste, for his personality being that way, while reasonably denying responsibility for needing a lot of

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2 Cohen, p. 923.

3 This train of thought leads to an interesting conundrum. Let's hold that Kyra who likes champagne can unlearn that taste and begin to appreciate the taste of beer. How, then, do we stop from insisting that Ana who likes beer ought to learn to appreciate water? In this case, any taste for something beyond the bare necessities becomes an expensive taste. If nothing else, this seems unreasonable.

4 I barrow this example from Cohen.

resources to satisfy it.[5]

Dworkin explicitly denies this conclusion. "Why is there less equality of resources when someone has an eccentric taste that makes goods cheaper for others, than when he shares a popular taste and so makes goods more expensive for them?"[6] He continues:

> [A person] might think himself lucky or unlucky in other ways as well. It would be a matter of luck, for example, how many others shared various of his tastes.... If the immigrants had decided to establish a regime of equality of welfare, instead of equality of resources, then these various pieces of good or bad luck would be shared with others, because distribution would be based .... on a strategy of evening out differences in whatever concept of welfare had been chosen. Equality of resources, however, offers no similar reason for correcting for the contingencies that determine how expensive or frustrating someone's preferences turn out to be.
>
> ....
>
> So the contingent facts of raw material and the distribution of tastes are not grounds on which someone might challenge a distribution as unequal. They are rather background facts that determine what equality of resources, in these circumstances, is.... [The market] is an institutionalized form of the process of discovery and adaptation .... [and proposes] that the true measure of the social sources devoted to the life of one person is fixed by asking how important, in fact, that resource is for others.[7]

For Dworkin, in contrast to Cohen, the market value of items fixes equality of resources. It measures what others sacrifice for a person to live the life s/he chooses. The market assures that no one bears the burden of another person's life. Cohen shares the view that it is nobody's business to pick up the tab for a person who lives an expensive life. He holds that "[e]galitarians have good reason not to minister to deliberately cultivated expensive tastes..."[8] Yet, this applies only when that life is chosen by the person who leads it. However, when the taste is not chosen, when anyone could have suffered the same fate, the same brute luck, the expensive taste then becomes just like a handicap or an experience of pain - something which deserves compensation. Cohen agrees with Dworkin that "we believe that equality ... condemns rather than recommends compensating for deliberately cultivated expensive tastes," but says no such thing for unchosen expensive tastes.[9]

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5 Cohen, p. 927.

6 Dworkin 2, p. 302

7 Dworkin 2, p. 288-9.

8 Cohen, p. 922.

9 Cohen, p. 922.

Dworkin denies that expensive tastes are like handicaps. We cannot compensate for expensive tastes because unlike handicaps, "we cannot say that the person whose tastes are expensive therefore has fewer resources at his command. For we cannot state .... what equality in the distribution of tastes and preferences would be."[10] This is slightly at odds with something he wrote earlier. One reason Dworkin did not consider physical and mental powers full blown resources is that they require "some standard of 'normal' powers to serve as a benchmark for compensation. But whose powers should be taken as normal for this purpose?"[11] If we cannot determine what to consider "normal" powers and abilities, then how can we compensate the less talented and the handicapped? The hypothetical insurance market covers this problem because the market determines "which infirmities are compensable."[12] Further, when discussing an insurance market to handle the differences in wealth due to talent, the market itself determines what the level of insurance would be: how much can the market bear, and at what price would people purchase what coverage. Dworkin holds that only at certain lower levels will everyone purchase insurance. This level is the level at which society compensates those with less talents.

Why can we not do the same for expensive tastes, then? That is, like talents and powers, we cannot say what level of tastes would be normal. But we could develop a hypothetical insurance market which would determine a certain level of welfare below which everyone would purchase insurance against having expensive tastes - that is tastes which require more resources than the proposed level of coverage assures.

3. A New Look at Dworkin's Reasoning

We have seen that since Dworkin's theory cannot compensate for welfare deficiencies which are not obsessions, his theory becomes nonviable. The first difference between Cohen and Dworkin is that Cohen compensates for welfare deficiencies but Dworkin does not. This important and determining distinction keeps Cohen's theory alive.

The second and more important feature which Cohen thinks distinguishes his theory from Dworkin's is that "Dworkin does not put absence of responsibility in the foreground as a necessary condition of just compensation."[13] Cohen continually returns to the notion of lack of choice to decide whether something warrants compensation.

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10 Dworkin 2, p. 300.

11 Dworkin 2, p. 302.

12 Dworkin 2, p. 304.

13 Cohen, p. 923.

Dworkin, he holds, does not do so, but only considers whether the subject at hand is a resource or a preference. But Dworkin's refusal of compensation is based on the claim that the person is responsible for acting on the preference. We have seen where Dworkin does not think that responsibility and choice are coextensive. Cohen, then, is incorrect in saying that Dworkin does not put absence of responsibility in the foreground of compensation. More correctly, Dworkin puts absence of responsibility in the foreground of compensation, and Cohen puts absence of choice in the foreground of compensation. As subtle as this difference is, the difference remains.

Dworkin holds people responsible for their tastes. This means that he will not compensate for expensive tastes. But if we review the example at the beginning of this chapter with our discussion of the parallels between handicaps and expensive tastes in mind, we can find reason to compensate both Kyra and Jes. Kyra is the most obvious candidate for compensation. She has suffered some bad luck. She is not responsible for choosing her tastes, nor has she reflected on those tastes. Those tastes are just something with which she is stuck. Now Dworkin might insist that she should reflect on those tastes. I think this would violate the equal worth of persons. But even if one grants Dworkin his point, then Kyra's position resembles Jes' position, and we have reason to compensate there.

Jes has reflected on her tastes. She finds that they are tastes which cohere with her life plans. But she has not chosen that they would be expensive to follow. When Jes decided that a life pursuing art and artistic interests was the best life she could live, she did not decide that her life would be or should be more expensive than other people's lives. She would prefer that it be less expensive so that others might be more tempted to study art, at least as a hobby. Certainly she has just run across some bad luck.

Cohen can handle this problem. Jes has a complaint that she has just run across some bad luck which she had not chosen. Handicapped people face the same problem: they suffer through no fault of their own. The only distinction is that Jes can do something about her tastes which handicapped people cannot do about their handicaps. But why should Jes do something about her tastes, she asks? It costs her to change her tastes and values. Under Dworkin's scheme, her conception of the good is being punished. To see this, let's look one last time at some of the motivating factors behind Dworkin's equality of resources. I propose that we can take those factors which are actually worthwhile to justify compensating Jes.

Dworkin had two techniques which he thought guaranteed that the equal worth of persons would be respected by an egalitarian distribution: paying the true cost of one's life

through the market and the envy test. I want to consider these techniques to see what they might tell us about Kyra and Jes' positions; can we justify compensating for welfare deficiencies based on these techniques?

a. The Market

First, Dworkin believes people should pay the true cost of their lives as measured by what others sacrifice for them to live that life. The ideal market sets the price of resources so that people pay this true cost; those tastes which are "expensive," that is, require others to sacrifice more so someone may satisfy that taste, reflect that sacrifice.

Dworkin wants to know why making people pay for their expensive tastes treats people unequally.[14] Dworkin implies that when people have cheap tastes, we do not say that they have an unequal advantage. But surely he is mistaken here. The claim that people who must pay the true cost of their expensive tastes are being treated unequally is just the claim that those with cheap taste have an unfair advantage over those with expensive tastes. Our intuitions say that Ana and May are simply lucky to pay cheaper prices because their tastes are inexpensive. Similarly, we say that a very talented person is lucky. Certainly we say that those with more talents have an unfair advantage over the rest of us, otherwise welfare and other redistributive programs could not get off the ground. Thus, in Dworkin's discussion of equality of resources, he taxes the resources gained from the talented to share with those who have less talent. The distribution of talent mirrors the distribution of taste. Those with inexpensive tastes mirror the talented. Thus, we should charge higher prices for inexpensive items like beer to supplement the cost of expensive items like champagne. If this supplemental pricing violates the true cost of someone's life, so does taxing the gains from the more talented.

What we really see, though, is that the market is not valuable in our scheme. The market leads to inequality of welfare. It distributes according to how expensive a taste is. This distribution is unfair. Jes and Kyra have legitimate complaints against Ana and May. I think this shows we must due away with the market, even in this ideal sense, when the market is what we rely on to set the prices of goods.

b. The Envy Test

This brings us to the envy test.

At the center of Dworkin's theory is the idea that people must pay the true cost of their lives as measured by what others sacrifice in order for them to live that life. Only paying the true cost of one's life respects the equal worth of members of society. What is

14 Dworkin 2, p. 302.

it about compensating for expensive tastes that violates this principle? According to Dworkin, we must make sure that no one envy the resources devoted to another person's life. Dworkin holds that an equal division of resources must pass the envy test according to which no member of society "would prefer someone else's bundle of resources to his own bundle."[15] Yet, why measure equality in socioeconomic goods instead of the welfare another receives from his bundle of resources? How is the latter less just than the former? Certainly we would agree that Ana, who consumes three apples, should not have more left over than May, who consumes two, everything else being equal. But this does not mean that Kyra should not have as much champagne as Ana and May do apples.

4. Condemnation of Conceptions of the Good

But what makes matters worse is that now Ana seems to be in the better position. Ana has not reflected on her life either but lives a comfortable life all the same. Jes has no complaint against May who has reflected on her life and chosen one, but she must have some ambivalence toward both Ana and Kyra. They seem to benefit from not reflecting at all. Both can pursue lives at ease through being less reflective, while Jes is punished for having reflected.

Now Dworkin might object that Jes is not being punished: no one asked her to reflect on her life. For Dworkin she has just suffered what any other person would have suffered had she reflected upon her life. But surely this does not make it right that, simply because she reflected, Jes must now pursue what she considers a less worthy life . Not only is it difficult for Jes to pursue the life she wants, but Kyra buys the same things Jes wants and makes it that much more difficult for Jes to pursue the life she wants.

Equal worth means that each person's conception of the good is just as valuable as everyone else's, regardless of market pricing and contingent conditions concerning the availability of materials in the world. This is what underlies anti-paternalism: no one has the right to tell another that his/her conception of the good is wrong. But for society to distribute socioeconomic goods so that some have a better chance of fulfilling their conceptions of the good is to deny this equality: it is to say that one's conception of the good does not deserve the same chance of being fulfilled. Jes and Kyra have reason to regret the distribution. Kyra regrets the distribution because she cannot pursue her tastes like others can. Jes also regrets that she cannot pursue her tastes like others. Furthermore, she realizes that the life she leads is valuable. Jes is being denied an equal chance to pursue that life, though, when compensation is denied her for the extra expense of that life.

For Dworkin (or Rawls) to say that it is up to the individual to pursue one's dream

15 Dworkin 2, p. 285.

within the constraints of the goods which others have because one could change that conception is to say that conception is not as worthy of pursuit. When society does not compensate for expensive tastes, society appears to punish or condemn as less valuable the conception of the good life of which that taste is a part.

Dworkin holds that once handicaps and talents are taken care of, a person is entitled to profit "because his gain is not made at the expense of someone else who does less with his share."[16] This is true on the surface but does not recognize that each person plays an equally important role in society, and the fact of that equality warrants equal distribution of socioeconomic resources, not how important that role is in society. To say some roles are more important in society is to say some conceptions of the good are more important, because others value that conception more. Yet this is the true meaning of the idea both Dworkin and Cohen use: "it is perhaps the final evil of a genuinely unequal distribution of resources that some people have reason for regret just in the fact that they have been cheated of the chances others have had to make something valuable of their lives."[17] Those who have chosen a life conception which is more expensive than the life conceptions of others are treated unequally when they do not have the same chances as others to pursue that life. To require that those with expensive tastes pay for that expense puts a burden on them which those with inexpensive tastes do not have to bear. It is not enough to say that they could have chosen a different, less expensive life. In a distribution based on the principle of equality of resources, those with inexpensive tastes benefit from the distribution of natural resources. Not only do those with inexpensive tastes have more chances to lead the lives they want, but they make it more difficult for those with expensive tastes to pursue their own lives. That increase in difficulty is the final evil of a genuinely unequal distribution of resources.

16 Dworkin 2, p. 307.

17 Dworkin 1, p. 219; Cohen, p. 933.

CHAPTER 7: CONCLUSION

I have been looking at various ways welfare might play a role in a principle of equality of distribution. This included looking at what one noted philosopher has written on the subject. In the end, I have shown that some role for welfare must be made in a principle of equality. I have also shown that we should compensate those with unchosen expensive tastes. In doing so, I have used Dworkin's own rhetoric to defend this contrary position. How has this been possible?

First, I examined Dworkin's rejection of the principle of equality of welfare. I focused on equality of relative success and overall success. With this discussion, we saw that Dworkin continually refers to equality of resources to defeat equality of welfare. But he had not given us any reason yet to accept equality of resources. Thus, unless one already accepts that equality of resources is desirable, Dworkin's arguments are unfounded.

Yet, when one takes up the question of equality of welfare, one knows from the start that equality of resources will not be a result. People with the same amount of resources will have different levels of welfare. So a welfare egalitarian will not be concerned with equality of resources, or with resources at all from a theoretical standpoint. If Dworkin had looked at the examples he provided and argued: "There, reader, see that equality of welfare results in inequality in resources. Don't we, *prima facie*, object to that. Can't you see that equality of welfare does not work, then. It violates our fundamental intuitions." But Dworkin made no such outright argument.

Perhaps this argument was factored into his discussion. But then at least my intuitions did not agree with his. I wanted to know why resources were important. I also wanted to know why expensive tastes did not deserve compensation.

So in chapter three we looked at the so called problem of expensive tastes. Once again, though, we discovered that Dworkin argued from the premise that the reader had already accepted equality of resources. We had done no such thing though. He had given us no reason to. Further, we saw that expensive tastes are only expensive if viewed from the vantage point of resources. For the welfare egalitarian, tastes are not viewed as expensive or cheap. Tastes deserve compensation simply because of their affect on welfare.

Why, though, does Dworkin continually confuse the reader's intuitions with

looking at resources? For Dworkin, equality of resources is the only principle of equality of distribution which respects the equal worth of persons. This equal worth requires that people pay the true cost of their lives as measured by what others give up for them to lead that life. Compensation for expensive tastes requires some to sacrifice for other's tastes. This does not respect our equal worth, for Dworkin. In a sense, we are footing the bill for others.

Yet, Dworkin holds that we should compensate handicapped people for their misfortune. Is this not footing the bill for others? According to Dworkin, the reason handicaps deserve compensation and expensive tastes do not is that people are responsible for their expensive taste.

At this point, I agreed with part of Dworkin's reasoning. Certainly I should not have to sacrifice a good, tasty dinner so that Donald Trump can build an expensive hotel in New York. But I questioned whether Dworkin had thrown out the proverbial baby with the bath water.

In chapter five I examined this question. I looked at several examples from Cohen to see if he could provide us with a reason to compensate for welfare deficiencies. But I noticed that in each of Cohen's examples, Dworkin could justify compensation. Where Cohen justified compensation on the basis of welfare deficiencies, Dworkin justified compensation on the basis of interference with life plans. Perhaps the distinction between welfare deficiencies and life plans was not vital.

The example of pregnant women showed that welfare deficiencies are a concern separate from resource deficiencies. Some women continue to bear children even though it involves discomfort and pain. The pain does not interfere with their life plans, then. But we still think they deserve compensation. They undergo a disadvantage which other members of society do not undergo. But the disadvantage is one of welfare. We then see that welfare does deserve a role in an egalitarian metric. We deny Dworkin's refusal of this role, then.

I wondered, then, if compensating for welfare deficiencies might imply compensating for unchosen expensive tastes. We looked at four people, two of whom had expensive tastes, neither of whom chose those tastes to be expensive. Using Dworkin's concepts of the envy test, I pointed out that people with expensive tastes can legitimately be envious of those without, when expensive tastes receive no compensation. Legitimate expensive tastes are ones which the bearer did not choose, but for which she cannot be responsible. Further, denying people compensation for expensive tastes denies value to their conceptions of the good. Compensating for expensive tastes, rather than seeming

counter-intuitive as Dworkin suggests, appears acceptable.

This conclusion allows that a role for welfare in a principle of equality does not violate anyone's equal worth. But I do not want to overstate the conclusion reached.

I have not defended any particular view or understanding of equality of welfare. Moreover, I have not defended a principle of equality of welfare as opposed to some amalgam of welfare and resources. I have defended the conclusion that welfare deserves some place in an egalitarian metric. That is, welfare is part of the answer to the "equality of what?" question. But it may not be the whole answer. Welfare has problems which Dworkin did not address. Foremost of these problems is how to get inside people's heads to measure their welfare. But these kinds of problems were not my concern in this essay. When reading Dworkin's theory I thought that he was wrong about compensating for expensive tastes and that allowing a market to enter into an egalitarian society would end the equality achieved.

When we take our focus from these highly theoretical musings and return it to the real world, we face real problems. An answer to the question of equality of what is needed. But just as necessary is an argument about what is most fundamental in life and what equality demands about that. The two questions are not unrelated. For my part, I hope that I have paved the way for someone to seriously consider equality of welfare as part of the solution to that problem. We cannot defeat the injustice in society until we have determined what equality demands.

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